

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHAMAN FISHING, LLC,

Plaintiff,

v.

F/V BLUE FIN, O.N. 546234, *et al.*,

Defendants.

Case No. C04-0036L

ORDER DENYING MOTION
TO EXTEND DEADLINE

This matter comes before the Court on a motion filed by defendants to extend the deadline to submit their expert witness reports. (Dkt. #195).

Defendants have moved “for minute order setting date for expert witness report on action brought by intervening plaintiffs,” implying that no such deadline ever existed. The Court, however, issued an Order Setting Trial Date and Related Dates (the “Order”) which set a January 12, 2005 deadline for disclosing expert witness reports. Defendants’ suggestion that the Order does not apply to the claims filed by the intervening plaintiffs is incorrect and unsupported.

In its Order, the Court stated that it would alter the deadlines only upon good cause shown. Defendants argue that good cause exists because the intervening plaintiffs filed their complaint “well after” the Court issued the Order. Defendants’ Motion at 2. In fact, the

1 intervening plaintiffs filed their complaint on June 1, 2004, approximately one month after the
2 Order was issued. Defendants have not explained how the one-month delay necessitates an
3 extension of the expert witness report deadline, which occurred over seven months after the
4 intervening plaintiffs filed their complaint.

5 Defendants also argue that they did not become aware until February 28, 2005 of the
6 intervening plaintiffs' professional roles, which underlie their expert's opinions. Defendants,
7 however, have not stated how they learned those facts, or why they could not have done so
8 earlier. Finally, defendants argue that the intervening plaintiffs should be "estopped" from
9 opposing their request because they did not respond to defense counsel's March 2 and March 3
10 letters requesting the extension. The argument that silence constitutes agreement is meritless,
11 and defendants' argument regarding the letters highlights the fact that they did not seek the
12 extension until after the deadline had passed. Accordingly, defendants have not shown good
13 cause for an extension of the deadline to provide expert witness reports.

14 For the foregoing reasons, the Court DENIES defendants' motion to extend the deadline
15 to disclose expert witness reports (Dkt. #195).

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17 DATED this 8th day of April, 2005.

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20 Robert S. Lasnik
21 United States District Judge
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